AMERICAN

ECCLESIASTICAL REVIEW.

VOL. I.—APRIL, 1889.—NO. 4.

DIOCESAN STATUTES AND EPISCOPAL ORDINANCES.

I.

THE Council of Trent, reviving a Canon of the IV. Lateran (1215), prescribes the holding of diocesan synods once a year, when possible. The object of these synods is, first, solemnly to promulgate, afterwards, to renew and enforce, the decrees of the Plenary and Provincial Councils. Further, to enact disciplinary laws and local statutes for the maintenance of good order, the correction of abuses, whether in the administration of parishes or in the liturgical observances throughout the diocese. The material for this last-mentioned legislation is furnished chiefly on occasion of the Episcopal visitation which is made by the Ordinary or his vicar, accompanied by one or two priests of ripe experience, who are to make an accurate report in writing of such visitation, and this is to be kept in the diocesan archives. *

The result of all this is embodied in the Diocesan Statutes, which serve as the norm and guide to the individual priest in the ordinary cases of his parochial administration. They are

* Conc. Pl. Balt., III., n. 14. With us this episcopal visitation is obligatory only every third year.

in their nature permanent laws, that is, they do not bind, as we say, "at discretion," nor do they cease to be in force at the death of the Bishop, until they are expressly revoked or changed. How far their conscious violation is a sin must depend upon the degree of *contemptus legis*, as well as upon the importance of the particular statute which is disregarded.

Besides the Statutes enacted and sanctioned at the Synod, the Bishop has the power of making laws for his clergy and people out of Synod. In some instances, such as the appointment of certain officers, the division of parishes and alienation of Church property, he is required to seek the advice of his Consultors. The object in these cases is, manifestly, to give to the Bishop the benefit of a wider knowledge upon which to form his own judgment, since he need not act upon the voice of his council. * The ordinances promulgated out of Synod are equally binding as those of the Synod, unless they oppose a well defined general law of the Church, in which case there is the right of appeal to higher authority. They, therefore, find their legitimate place in the Diocesan Statutes.

II.

But whilst the priest is not the rightful judge of the expediency or opportuneness of the Episcopal ordinances made for the entire diocese, and cannot lawfully violate them, yet he may not always have the means of carrying them out. To do so he must know them, understand them, remember them, and be conscious that they are meant to be observed, and that, if he fail to do so, the blame cannot be shifted, but must be lodged at his own door. He will know them if a copy of them, together with all the different diocesan ordinances up to date added, are given him at least shortly before his Ordination. He will be apt to understand their meaning and application, if, before he enters the confessional or exercises important parochial functions, he is examined upon them by some

* Smith, Elements of Eccl. Law, Pars III., Cap. V., n. 568. Conc. Pl. Balt. II., n. 66.

experienced pastor. We have evidence before us, as we write, of the fact that zealous young priests assisted in the confessional at Easter-tide and Forty-Hours' Devotion, not knowing that a certain case was reserved in their own diocese. A casual inquiry has brought us letters enough to show that in some places priests habitually exceed their faculties, in others they do not appear to know and use such as they unquestionably have. Is none responsible for the errors they committed, and the graces thus forfeited? Nor is it enough to have known and understood the diocesan statutes. Some of them have reference only to certain functions of the administration, and are easily forgotten by those who are only temporarily, or after an interval of months or years, called upon to exercise such functions. It is necessary, therefore, to repeat them in detail at the Conferences; to dwell on their importance and how they act for good, by securing uniform discipline and consistent action, whereas ignorance of the law, and the difference of practice which inevitably follows it, provoke criticism and scandal or strife and contempt of authority. A pithy exposition at the regular meetings of the clergy of a paragraph or chapter of the statutes, by a pastor whose fruitful practice is daily evidence of his ability and the sincerity of his preaching, would school the younger clergy, and give them definite ideas of duty and activity in the ministry. St. Charles, though he held the Provincial and Diocesan Synods regularly at the stated times, used to have conferences of all the clergy of Milan at his palace three times a week. Here, under the presidency of the learned Jesuit Francis Adorno, cases of conscience were proposed and solved, lectures on ecclesiastical discipline were held, and all matters pertaining to the cure of souls discussed. No one was allowed to be absent without legitimate excuse, and the payment of a fine, to be devoted to some charity, was exacted from every one who neglected to attend.* These meetings

* "Inter primas Sti. Caroli curas, quas suscepit, ut disciplina ecclesiastica et sacræ Literæ in Mediol. Clero reflorescerent, eam fuisse, instituendi Gymnasium quoddam

were quite apart from those famous assemblies, in which only the more learned of his clergy took part, for the promotion of the ecclesiastical sciences and arts. To those of his priests who had the faculty of hearing confessions, (which was not granted indiscriminately to every one, but to such only whose age, character, experience, and previous examination especially for that purpose proved them capable physicians of the soul), he spoke often separately. And we know from these discourses to his clergy how much he insisted upon their studying the constitutions and laws which he had drawn up with great care for their guidance in the various needs of the ministry. "We have chosen you—to bear the burden of the people together with us, but not according to your spirit, but according to ours. This you will be able to do with facility, if you read and ponder the Book of Constitutions written at our instance for you. *

III.

The statutes require from time to time amendments or changes to meet newly arising demands or difficulties. These additions or changes are announced at the conferences or at the annual retreats, where such are held, or they are published through the official organ of the diocese, or through private letters. Or else a printed form is sent, which has the character of a document, and is easily preserved for future refer-

in Archiepiscopali sua domo, ad quod universus Clerus legitime non impeditus tribus per hebdomadam diebus conflueret, audiretque explanatos conscientiæ casus; quotidie vero lectiones doctas admodum et salubres *de disciplina Ecclesiastica* exciperet, præside P. Francisco Adorno, S. Jesu: pecuniaria pœna, piis Locis assignanda, iis imposita qui negligentiæ culpa hisce conventibus non interessent." (Not. ad Orat. in Synod. Dioces., II., Ed. Hom. J. A. Saxii, tom. v.)

* "Videte, fratres: Nequimus nos soli tantum onus portare. Nos ergo vos, Domini jussu, elegimus, ac Domino obtulimus in *magistros populi*, imo pro vobis fide jussimus. Vult Dominus loqui Moysi, nobis scilicet, non vobis; vult auferre de spiritu nostro et tradere vobis. Jam ergo non vestro spiritu, sed nostro, *sustentare* debetis *nobiscum onus populi*. Hoc vero adimplere potestis facillime, si Constitutionum libellum ad vos spectantium, jussu nostro editum, persæpe legatis et meditemini." (Homil. Fer. II., post Dom. iv. Quadr. 1584, ibid., tom. iv.)

ence. We believe that the latter form is really the only one which proves satisfactory to every conscientious priest. On the one hand, it gives importance to the enactment itself, on the other, it affords a basis for correction in case of necessity, as well as of defense against possible recrimination. If a regulation which is to be observed, that is to say, have force of law, be simply stated at a Diocesan Conference, it runs the risk of being misunderstood, or forgotten, or not heeded by those who were not present. If it goes through the newspapers, whether they are official organs or not, the priest may not see it, and if he does, others will see it as well, and be beforehand with their judgments and often with their prejudices, robbing the pastor of that discretionary power which every right-minded superior must accord him for the prudent carrying out of ecclesiastical regulations. But if the latter are communicated privately, and with a certain form, which secures them from being thrown aside; if they are marked in regular order, say folio 1, 2, 3, etc., according to date of issue, they will find their places naturally as a sort of Appendix to the Diocesan Statutes in the proper place of a priest's library, and serve his successor or "locum tenens," thus furthering order and discipline, peace and harmonious action, which is the marrow of the Catholic cause.

SECRET SOCIETIES.

Must a society be condemned by the Church before it be forbidden Catholics to be members? Is the society of K. P. a society forbidden to Catholics? How are we to judge and what are we to do in regard to secret societies in this country?

Before you do anything—listen.

All societies which, by reason of their principles and practice, lead men into error and sin, are forbidden *by the law of God*, and hence Catholics cannot conscientiously be members of such societies, whether they are secret or not.

Certain societies of this character the Church has *condemned by name*, because, though their object was known to be error and evil by reason of their hostility to lawful authority in Church or state, they managed in many instances to veil this object under false pretexts of social and civil good, and took great pains to allure the unwary, especially the young, to co-operate in their end. Such are the so-called "Freemasons," "Carbonari," and "Fenians." * These secured a more successful mode of action by pledging their adherents to absolute secrecy, and in many cases to blind obedience in carrying out the dictates of their leaders.

There are other societies which, pledging their members to secrecy as to their object and to their transactions, *may or may not be* bad, and hence *forbidden*. *Secrecy itself is no test* in the matter, since men have a right to protect their legitimate interests by keeping their transactions from the public scrutiny. But since, on the other hand, such societies may be hurtful to the true interests of a Catholic, the Church, whose duty it is to inform and warn her children against committing themselves to a wrong course, must have the means to satisfy herself that a society observing a secret do not shield by that secret a sinful object. Hence, in behalf of her adherents, she claims the right to enquire and examine into the end and means employed by a society which Catholics would lawfully join and co-operate with. A society whose aim is honorable cannot refuse a discreet insight into its constitutions and workings to those who require such insight, not to frustrate, but to further by sanctioning its ends. To whom such right belongs, has been defined. "Episcopis non solum jus, sed etiam officium inquirendi inhæret." † The state has and may exercise a similar right towards corporations for the protection of its citizens. If a society refuse such exposition as would allow the forming of a fair judgment concerning its

The first two are condemned in the Const. *Apostolicæ Sedis;* the last in a decree of the S. Office, 12 Jan., 1870. (vid. Lemk. Theol. Mor. vol. II. 950.)

† Conc. Plen. Balt. III., n. 247.

true character—the presumption is that its end and means are bad. "Si autem adscripti nil mali in eis agant, exeant e tenebris." * If a society exacts from its members an oath of *blind obedience to whatever* command may be given them, it is *a priori* forbidden to Catholics, because such an oath is an infringement upon the right God has to man's use of his liberty in the exercise of good. A religious vow of obedience never binds to the commission of sin, but the oath administered in the secret societies makes no discrimination between right and wrong.

In the light of these principles, how is a priest to act with persons who declare themselves members of secret societies, or propose to join them?

a. IN THE CONFESSIONAL.

In forming one's judgment as to the disposition of a penitent who belongs to a so-called secret society it may be of use to remember that in almost every case to leave such a society means forfeiture of certain temporal benefits, such as help in sickness or death, patronage in business, social popularity, often a sure livelihood itself. To compel a person, therefore, to sustain such grave losses, *the fact of the forbidden character of a society should be certain*, and even then the measures adopted for reclaiming an errant sheep should be as moderate as the utmost limits of charity allow. How is a confessor to ascertain the fact that a secret society is forbidden to his penitent? There are three definite marks, either or all of which will determine it.

1. What is the *object* of the society? Is it plainly *bad*, that is to say, against justice or charity, such as hostility to parties or persons who have a lawful right of existence, or fraudulent "combines," by which the community is injured in its rights and privileges? If so, a Catholic cannot belong to it, and, if he does, owes proportionate reparation of losses caused by injustice or scandal on his part.

* Ibid. 248.

2. *Is the secret* observed in the society *absolute*, so that it cannot be revealed even to the ecclesiastical authorities? If so, the society is forbidden to Catholics, *who can have no secrets* in the tribunal of conscience *where there is question of right and wrong*.

3. Do the members take an *oath of blind and unrestricted obedience* to their leaders? If so, it is evident, from what has been said above, that the society is prohibited.

In these cases a Catholic *is bound to leave it*. He is bound *to abstain from co-operating with it and from promoting its interests*. He is bound to *make known its leaders and abettors to the proper authorities*, so that these may take measures to guard their flock from the wolves hidden in sheep's clothing.*

And if a Catholic refuse to do the one or the other—with such prudence as the circumstances may demand in order to avoid greater evil †—then he not only forfeits his right to communion with the Church and of being absolved at her tribunal, but he falls under the censure of excommunication reserved to the Sovereign Pontiff. ‡

b. IN THE PULPIT.

Here let us first say what a priest is not at liberty to do upon *his own responsibility*, that is, to denounce any society in public by name. Whatever the society be or be called, its members are subject to the tribunal of the confessional and there to be judged, but as a corporation they *cannot be branded as forbidden by the Church*. To leave it to the discretion of individuals to pronounce sentence, as it were, of public excommunication upon a body of men about whose principles and actions there must always be more or less of a doubt would open the way to numberless acts of injustice and scandal.

* Conc. Plen. Balt. III., n. 261.

† Vide Lemkuhl, Theol. Mor., vol. II., 950.

‡ Among the Faculties usually granted to the Bishops of these States and communicated by them to their priests is this: Absolvendi ab omnibus casibus Sedi Apost. reservatis, etiam in Bulla *Apostolicæ Sedis moderationi* contentis.

Men differ in their judgment not only as to what are the specific evidences of evil principles, but also as to the principles when applied to different individuals or classes of individuals. It may be that two societies with the same name, aim, constitutions, etc., have a wholly different effect upon the class of people to whom they are respectively applied. This may arise from different national aspirations, from natural disposition, antecedents, government, etc., all of which add a certain coloring to the actions of a union, and determine its results for good or evil. Thus a society may in all reason be condemned in revolutionary France, or in Canada, which might be suffered in France at peace or in the United States. We cannot measure the danger of a force without computing the quality of material upon which it acts. Nevertheless, within the same circle, where the conditions are alike, there must be uniformity of judgment and action. With this view the late Plenary Council takes the matter in hand, appoints a special commission to pronounce upon the question, and, if the commission disagree, decision is reserved to the Holy See.* Until we, therefore, hear from the commission through the Diocesan Bishops that this or that secret society is condemned by name, we cannot so mention it in the pulpit.

Hence all questions about K. P. or any other name, excepting the three mentioned in the beginning as explicitly condemned, are out out of order.

But the priest can and is obliged to warn his people against all such societies as shun the light of legitimate inquiry. "Qui enim veritatem facit venit ad lucem. Qui vero male agit, odit lucem." Though a society may not be expressly condemned, it does not always follow that a Catholic may lawfully join it, for not everything is licit which is not condemned by name. This must be made well understood, above all to the young, who are not guided by reason, but often follow their desires where no positive precept prevents them. Hence, says Leo XIII. in his Encyclical Letter

* Conc. Plen. Balt. III., n. 255.

Humanum Genus: "Juvenes admonendi sunt, quod non omnia licere quæ non sunt expresse damnata." Parents and teachers of Christian doctrine are to be instructed that they instil a wholesome suspicion against those hidden agencies, which entice youth all the more easily because of their mysterious character, their loud pretensions to a universal love of mankind, and the empty sounds of humanity and liberty, to which they join all kinds of alluring methods of display to captivate the senses.

To give greater force to these warnings, the grave *censures of the Church are to be made clearly known* as falling upon all such who wantonly join these pernicious associations under whatever name or form. Thus the faithful are to be inspired with salutary fear, when prudence and childlike confidence in the maternal admonitions and the wisdom of the Church, prohibiting such unions, are without effect. "Has censuras nullo modo aut tacendas aut dissimulandas esse, sed manifeste promulgandas." * Yet, whilst the teaching and warnings of a zealous and prudent pastor will put the members of his flock upon their guard, and frustrate, in a measure, the machinations of evil secret societies, he will know that human nature needs to be helped in other ways also. The temporal advantages which association secures are, like the fleshpots of Egypt, a constant temptation to the man in politics, in trade, in daily intercourse with the non-Catholic world around him. Hence there remains a further work to be done in regard to secret societies which threaten the faith and virtue of Catholics and the public peace, and that is the work—

c. IN THE PARISH.

The most direct way to wean any person who still values his religion from the influence of dangerous societies, which offer temporal advantages, is to make a similar offer. This is done by having beneficial societies, with a Catholic tendency and practice. The simple truth on the subject of dangerous

* Conc. Pl. Balt. III., n. 252.

associations preached in the Church, refraining from all personal application, will make its way and stir remorse, without engendering that bitter feeling of resentment which comes from mere abuse. A considerate mode of reasoning with one or another of the more influential members of the secret societies may draw them over, especially if they are made to feel that confidence is reposed in them as leaders for a movement towards good. What numberless resources has not every pastor around him to facilitate such a work by arousing a proper enthusiasm in behalf of it. We can here only indicate the general drift of such efforts, which reflection and interest in the welfare of a parish will mature into success.

As regards the young, especially the young men, they should be led to forming such a society immediately on leaving school. It is the most dangerous, as also the most important age of life. It is the age when enthusiasm is highest and may be moulded into good or left to headlong advance to ruin. In many parishes, the children, when they make their first holy Communion, renew their baptismal vows and make a solemn promise never to join any forbidden society. This is a good starting point. The pastor, the teachers, have still their influence with them, which may be maintained through a well managed society for all the days of their lives. These societies should have, if possible, all the advantages which can be offered by those against whom they are designed, as a wholesome protection for the faithful; but whilst that may not always be done, it is a consoling reflection to think that the whole-souled interest of a priest supplies to the general dispositions of young people the place of every sort of material attraction.

Sometimes "a mission" is used as the means to effect a general reform in the parish, and to bring back men from some secret society, which has, perhaps, a strong hold upon them, because it is not nominally condemned. The missionary can say things in the confessional and pulpit, for or against such associations, either of which may seriously compromise the

pastor's future position in the parish. Every one knows how that may happen, and what trouble it may cause, yet there is perhaps no fault except this, that pastor and missionary had no express understanding in regard to the character of the secret societies which exist in the place. The one has his knowledge from long experience and frequent contact, with perhaps personally irritating circumstances, the other judges the merits of a case as it is presented to him, and pronounces a sentence which may reverse the judgment of the pastor, and further bind his hands among his own people. Both act in their legitimate right, and create a scandal where there was to be a reform. The means to avoid this is obvious.

THE BROWN SCAPULAR.

RECENT DECREES.

As some important changes have been made by recent decrees of the S. C. in regard to the Brown Scapular we believe it will meet the general interest if we give here an outline of the different obligations and privileges attached to said scapular.

I. MATERIAL AND FORM OF THE SCAPULAR.

The Scapular of Mount Carmel is to be made of woven wool of a dark brown color. The strings which connect the two parts of the scapular may be of any material or color. Pictures or inscriptions are not necessary. Embroidery is licit only when it is applied in such a way as to leave the brown color of the scapular prominent. In shape the scapular *must be square.* All other forms, such as oval, triangular, etc., are invalid.

II. BLESSING AND INVESTING.

1. The faculty of investing in the scapular is granted by the

Bishop *ex delegatione ad quinquennium*, and by the Superior General and Provincials of the Order *valitura usque ad revocationem.*

2. The scapular must be blessed *and placed upon* the person to be invested by the priest who has the faculty. A lay person cannot invest himself. A priest who has the faculty to invest others can invest himself. A priest who has not the faculty must be invested by another who has.

3. In blessing the scapular the prescribed form of the Ritual must be used. The sign of the cross made over it only as in other blessings is not valid for the scapular (Decr. 18 Aug. 1868.)

4. Imposing the scapular with the mere intention of investing a person, and without express words, is invalid. *Every person* must be *separately invested*, although the blessing may be made *in numero plurali.*

5. The faculty, heretofore in use, of giving the five scapulars together by one short form ceases, after April 27, 1897, for the religious orders and congregations who had obtained said faculty *in perpetuum.* Those to whom the privilege had been granted, previous to April 27, 1887, for a number of years, may use it until the concession expires, *provided that be before April* 27, 1897, after which the brown scapular is to be given separately and according to the prescribed form of the Ritual.

6. For persons properly invested it is not necessary to have the succeeding scapulars blest, since the blessing has been imparted to all in the first scapular.

7. They who have the faculty of investing in the scapular have *ipso facto* the right to give the general absolution *in articulo mortis* with plenary indulgence.

8. Wherever there is a Carmelite Convent within a circuit of five miles the faculty of investing in the scapular cannot be used by any one else. The establishment of a Carmelite Community anywhere revokes *ipso facto* all such faculties until then enjoyed by others in the same locality.

III. OBLIGATIONS.

1. The only obligation to which those who have been in-

vested in the scapular are bound, is that of wearing it in life and death. To remove the scapular for a time does not necessitate being newly invested, unless it was laid aside *ex contemptu.*

2. There is no special obligation of reciting definite prayers attached to the wearing of the scapular.

3. Those who would gain the so-called *Sabbatine Privilege* are obliged—

a. To wear the scapular constantly, and to observe the virtue of chastity according to their state of life.

b. To recite daily the Little Office of the Blessed Virgin in Latin. Those who, for good reasons, cannot recite this office, must abstain from flesh-meat on all Fridays and Saturdays of the year. If this be also impossible, some other penitential work may be substituted by dispensation from some priest who has the necessary faculties for this purpose. (The faculties communicated by the Ordinaries do not contain this dispensation, which must be obtained by faculties from the Provincial of the Carmelite Order.) A choice of these obligations by preference, as it were, is not permitted.

c. The above obligations can be commuted outside of the confessional, and by any priest having the faculty.

d. Those who are obliged to the canonical hours need not recite the Little Office of the Blessed Virgin Mary, or substitute any work of penance.

4. Since the 27th of April, 1887, it is obligatory and essential, in order to gain the spiritual advantages attached to the wearing of the scapular, that the names of those invested be entered into a register for the purpose, which is to be sent to a Community of the Carmelites. Monasteries of the Carmelites in this country are at present in Englewood, N. J.; New Baltimore and Pittsburgh, Pa.; Leavenworth and Scipio, Kansas; Falls View, Ontario, C. W.

IV. INDULGENCES.

1. Those who are properly invested and wear the scapular

in the right spirit obtain all the indulgences to which the Carmelites "calceati et etiam discalceati" are entitled, no matter from which branch of the order the faculties originated (Decr. Apr. 27, 1887).

2. In places where there is no church of the Carmelite Order or Confraternity, the faithful obtain the indulgences connected with the visits of the Carmelite churches, by visiting their own parish church. But where there is a church of the Carmelite Confraternity, the indulgences are gained only by visiting it.

3. The plenary indulgences presuppose the proper reception of the Sacraments. Those who confess weekly can gain all the indulgences occurring within the week, without going to confession again each time, if, with the permission of the confessor, they communicate on the days specified for gaining the indulgences.

4. When there are several plenary indulgences granted for the same day, they are applicable to the poor souls, according to the intention of the person who obtains them.

5. The following is a list of the Indulgences:

a. Plenary. 1. On the day of reception. 2. On the feast of the scapular, July 16, or any Sunday following within the month of July. 3. On any Sunday of the month, when one assists at the monthly devotions, (with procession), of the Confraternity. Those who cannot assist at these devotions gain the same indulgence by a visit to the church of the Confraternity. If they can not do this, the Indulgence may be gained by reciting the "Little Office of the B. V. M.," or fifty "Our Fathers" and "Hail Marys." 4. At the hour of death, by invoking the holy name of Jesus, at least in the heart. 5. By visiting the church of the order where the Confraternity exists, on the feasts of the Immaculate Conception, Christmas, the Purification, the Annunciation, the Visitation, the Nativity B. V. M., and the Assumption. 6. Also on the following days: January 1, February 4, March

19, Holy Thursday, Easter, the Ascension, the Patronage of St. Joseph, May 5, 16 and 25, June 14, July 20 and 26, August 7 and 27, Sunday within the octave of the Assumption, October 15, November 24, December 25, and at Forty Hours' Devotion.

b. Partial. Five years and five quarantines as often as one, with a light, accompanies the most Bl. Sacrament to the sick, and prays for the sick.

Three years and three quarantines as often as one, after receiving holy Communion on the feasts of the B. Virgin, visits a church of the Confraternity which does not belong to the Order.

300 days for abstaining from flesh-meat on Wednesdays and Saturdays.

100 days for accompanying the dead to the cemetery.

100 days for reciting the "Little Office of the B. V. M."

100 days for those who assist at the masses, devotions, and sermons of the Confraternity.

100 days for every corporal or spiritual work of mercy.

40 days for those who say seven "Our Fathers," and seven "Hail Marys," in honor of the seven joys of the B. Virgin Mary.

V. THE CONFRATERNITY.

To be a member of the Confraternity of the Scapular it is not enough to have been invested, nor would any number of persons so invested constitute a regular Confraternity—it must be canonically erected.

1. A Confraternity of the Scapular can be erected only by the Superior General of the Carmelites with the approbation of the Diocesan Bishop. A Diploma of Aggregation may be obtained from the Superior General in Rome through the mediation of the undersigned Commissary General, upon presenting a written permission from the Diocesan Bishop.

2. According to a Decree of the S. C. I. no bishop or priest can erect a Confraternity of the Scapular *licite* or *valide* even

though he have the faculty of investing in the latter. (Decr. Sept. 22 1887.)

3. By the same decree, however, all Confraternities heretofore formed have been declared validly erected.

4. No two Confraternities can be erected *in eodem loco*, within a circle of five miles, without dispensation from the Holy See "ex gravibus rationibus."

5. Only the regularly appointed Director of the Confraternity has the right to enroll persons in the same, although any priest having the faculty may invest in the Scapular.

6. Persons belonging to the Confraternity need not be parishioners of the Confraternity Church.

7. Where there is a Carmelite convent, the church of the same is the church of the Confraternity.

8. The erection of a Confraternity presupposes the holding of its regular devotions *coram Sanctissimo* and with procession. Members, in order to gain the indulgence, must take part in the procession—at least be present at it. The devotions may be held in the vernacular, as the undersigned has ascertained by special inquiry at Rome.

9. Those only who belong to the Confraternity proper participate in all the good works and merits of the entire order. Others who have been properly invested gain the indulgences attached to the wearing of the scapular.

Pius R. Mayer, O. C. C.,
Commissary General of Carmelites in America.

CASUS MORALIS.

Maria, optima puella catholica, cum famularetur apud infidelem quamdam familiam, zelo impulsa, secreto baptizavit infantem quem ipsius domina paucis ante diebus in lucem ediderat. Sed postea de liceitate facti cœpit dubitare, et anxietatibus permota, rem totam manifestavit suo confessario.

Hic eam severe carpit, et jubet ut nunquam audeat tantum facinus iterum aggredi: deinde ab ea postulat qua ratione infantem baptizaverit.—"Aquam in ipsius caput infudi"—respondet Maria—"et eodem tempore hæc verba protuli: *I christen thee in the name of the Father, and of the Son, and of the Holy Ghost.*"

Unde quæritur:

I. Utrum filii infidelium, non adhuc habentes usum rationis, possint licite baptizari, parentibus invitis?

II. Utrum valida censenda sit forma a Maria adhibita?

III. Quid, juxta casum, practice agendum sit confessario?

I. Antequam primæ quæstioni respondeatur, notandum est in ea non agi de filiis infidelium *usum rationis jam habentibus*, nec de *validitate* baptismi, qui infantibus daretur contra parentum voluntatem. Etenim si filii infidelium jam fruuntur usu rationis, certum est eos posse per se agere in iis quæ ad salutem æternam pertinent, nec amplius eorum ultimi finis consequutionem alligatam esse parentum voluntati. Quare agitari tunc posset quæstio de prudentia, non autem de naturali justitia. De prudentia, inquam, quatenus, si filius quidem 15 vel 16 annis natus, atque in aliquo collegio degens studiorum causa, serio vellet baptizari, et de facto contra voluntatem parentum baptizaretur, prudentia forte læderetur, sed non justitia.—Alia limitatio quæstionis est, hic agi solum de liceitate hujusmodi baptismi, non autem de ejus validitate; siquidem voluntas parentum nullo modo attingit debitam rationem materiæ aut formæ, ministri aut subjecti baptismi, quæ sola sunt essentialia requisita hujus Sacramenti.

Factis igitur hisce limitationibus, respondetur propositæ quæstioni *Negative*.—Prima ratio responsionis desumitur ex periculo profanationis cui certo exponeretur Sacramentum in tali hypothesi; nam quis non videt hujusmodi infantem Christi charactere signatum, non sane Christi, sed vel nullam, vel adulteratam quamdam religionem esse professurum? —Quare sicut imprudenter et illicite ageret qui adultum quemdam infidelem, non adhuc principia veræ religionis bene

edoctum, nec satis in suo proposito firmum, baptizaret, ita pariter illicite ageret qui infantem baptizaret cujus futuræ perversionis et infidelitatis certum habetur fundamentum. De vi istius argumenti unanimis est theologorum sententia; ac proinde S. Alphonsus, lib. VI. de Baptismo, n. 132, proposito dubio "an utroque parente infideli reluctante, possint baptizari eorum filii usu rationis carentes?"—ita respondet: "Si filii sunt mansuri in potestate parentum, nullo modo licet eos baptizare, ... quia tunc certum imminet periculum perversionis." —Item Benedictus XIV Const. *Postremo*, n. 23, postquam affirmaverit "grave perversionis periculum in hac materia rem esse maximi momenti," refert in Congr. S. O. habita 3 Maji 1703 fuisse responsum—"Baptismum conferre infantibus non licere, qui filii infidelium essent, atque in eorum potestate mansuri."

Altera ratio habetur ex obligatione servandi ordinem naturalem, vi cujus filii non adhuc habentes usum rationis alligati sunt parentum voluntati, quare sicut contra naturalem justitiam ageret, qui aliquem adultum invitum baptizaret, ita illicite quoque ageret qui aliquem infantem baptizaret, ipsius parentibus invitis; siquidem hi sunt qui ipsius voluntatem naturaliter repræsentant et exprimunt quamdiu in eo obvolutus est usus rationis. Ad rem S. Thomas, 3 p. q. 68, art. 10: "Si vero (filii) nondum habent usum liberi arbitrii, secundum jus naturale sunt sub cura parentum, quamdiu ipsi sibi providere non possunt. Unde etiam de pueris antiquorum dicitur quod salvabantur in fide parentum. Et ideo contra justitiam naturalem esset, si tales pueri, invitis parentibus, baptizarentur, sicut etiam si aliquis habens usum rationis baptizaretur invitus."—Contra hoc argumentum forte objicies, quod, sicut non peccaret, imo laudandus esset ille qui infantem de crudelium parentum manibus eriperet ad ipsum salvandum a morte temporali, ita, imo a fortiori, laudandus ille esset qui infantem baptizaret, parentibus infidelibus invitis: *a fortiori*, inquam, quia vitæ temporali præstat spiritualis.—At solvitur objectio negando illum esse laude dignum qui, nulla distinctione facta,

violenter eriperet infantem aliquem de potestate parentum, quando isti contra omne jus et ex malitia minantur filio mortem temporalem. Quamvis enim in hac hypothesi parentes graviter læderent jus naturæ, graviter etiam illud is læderet qui naturali eorum potestati vim inferret. Neque considerandum solum est illud bonum quod in aliquo casu particulari forte obtineretur, sed potius quot mala produceret admissio hujus principii:—*licitum esse subtrahere infantes a potestate parentum.*—Et hæc est vera et certa doctrina S. Thomæ, qui loc. cit. hæc habet: "Dicendum quod a morte corporali non est aliquis eripiendus contra ordinem juris civilis: puta si aliquis a suo judice condemnaretur ad mortem, nullus debet eum violenter a morte eripere. Unde nec aliquis debet irrumpere ordinem juris naturæ, quo filius est sub cura patris, ut eum liberet a periculo mortis æternæ."

Tertia ratio colligitur ex praxi ecclesiæ quæ nunquam permisit ut filii infidelium non adhuc habentes usum rationis baptizarentur contra parentum voluntatem. Imo, si sermo restringatur ad Hebræos, Julius III., prout loc. cit. refertur a S. Alphonso, "imposuit suspensionem et pœnam mille ducatorum baptizantibus filios Hebræorum, reluctantibus parentibus." Porro hæc ecclesiæ praxis tantam hac in re habet vim ut per se sola sufficeret ad controversiam finiendam, prouti revera Benedictus XIV, in cit. Const. *Postremo*, eam finitam esse statuit innixus aureo illo Angelici Doctoris dicto: "*maximam habet auctoritatem ecclesiæ consuetudo, quæ semper est in omnibus æmulanda.*"—Et re quidem vera si attendamus inesse ecclesiæ maximum, illudque divinum, desiderium novos semper atque novos filios sibi procreandi, dicendum omnino est talem rationem acquirendi novos filios esse illicitam, si pia et sapiens hæc mater ea non utatur.

Attamen contra datam solutionem adduci potest auctoritas S. Alphonsi, qui, *de Bapt.*, n. 132, Dub. 1., citata sententia Scotistarum et aliorum theologorum asserentium "licitum esse hujusmodi filios baptizare saltem auctoritate publica et ex consensu principis," ita judicium suum profert: "Hæc

sententia, per se loquendo, non videtur sua probabilitate carere; interveniente enim periculo salutis æternæ filiorum, parentes non habent jus in eos; et sicut potest eripi filius a parentibus ne ipsi inferant ei mortem corporis, tanto magis eripi valet, ut a morte animæ liberetur." At responderi potest rationem intrinsecam hic datam non esse efficacem, prouti superius adnotatum est ex doctrina S. Thomæ, juxta quem sicut est contra ordinem juris civilis aliquem damnatum a judice violenter eripere, ita est contra ordinem juris naturalis infantem aliquem subtrahere a potestate parentum, vel aliquid de eo ordinare, parentibus invitis. Ad auctoritatem autem S. Alphonsi quod attinet juvat hic afferre responsionem S. C. de Prop. Fide in Instr. data 17 Apr. 1777; nam cum eadem difficultas ex auctoritate Honorati Tournely proposita fuisset, S. C. ait: "Doctorum opiniones ad ecclesiæ decreta sunt exigendæ, non ipsa decreta ad opinantium libitum inflectenda. Proinde, quidquid Turnelius aut privati alii senserint, firmior hic adest auctoritas posita in summorum Pontificum constitutionibus et Sacrarum Congregationum decretis, quæ omnem nunc fidem penitus abrogant ei opinioni, quæ isto quæsito suscitari quodammodo videtur, quæ generatim statuit, licere infantes filios infidelium, invitis aut insciis parentibus, baptizare."—

II. Quoniam essentialis forma baptismi hæc est:—"Te baptizo in nomine Patris, et Filii, et Spiritus Sancti," juxta verba Jesu Domini apud Matth. xxviii. 19, "Euntes in mundum universum, docete omnes gentes, baptizantes eos in nomine Patris, et Filii, et Spiritus Sancti," jam prima fronte valida absque ullo dubio videtur esse forma a Maria adhibita. Attamen dubium non spernendum oriri potest et debet ex eo quod usa fuerit voce "I christen" loco "I baptize." Quamvis enim juxta communem doctrinam theologorum, prouti S. Alphonsus, de Baptismo, n. 109, adnotat, accidentalis tantum mutatio haberetur si, pro *baptizo*, substituerentur verba synonyma, v. gr., *abluo*, *lavo*, *intingo*, non idem dicendum est de voce *I christen*. Ratio est quia in baptismo conferendo non

effectus debet proprie necessario exprimi, sed *modus*, aut potius, ut ait P. Lehmkuhl, *actio* spiritualis regenerationis. Hoc deducitur tum ex usu Ecclesiæ, tum ex ipsa natura rei; nam si non exprimeretur actio sacramentalis quæ peragitur, jam tunc ritus ipse non esset significationis. At forte dices: hanc significationem bene obtineri si adhibeatur vox "I christen;" si quidem omnes qui lingua anglica utuntur statim ac audiunt illam prolatam esse a ministro, intelligunt conferri sacramentum baptismi. Sed respondetur ritum oportere esse significativum non ex audientium intelligentia, sed ex ipsa vi verborum.—S. Alphonsus, post Card. de Lugo, facile permitteret ut plura idiomata in eamdem formam conflarentur "quia," ait, "licet tunc propositio non videatur moraliter significativa apud homines, in sacramentis tamen non requiritur ut audiens vel ut proferens verba intelligat, modo voces per se sint significativæ." Porro si audientium intelligentia non requiritur, eadem ratione dici potest ipsam non sufficere. His accedit auctoritas Card. de Lugo et P. Lehmkuhl; nam primus invalidam omnino reputaret formam baptismi si aliquis diceret —"ego te Christizo,"—vel—"ego te Christianum facio." Alter autem, cum post Suarezium commendasset usum vocis *baptizare*, quoties baptismus confertur lingua vernacula, excepta tamen germanica, in qua vox *taufen* et nativa sua vi abluendi actum designat, et usu consecrata est ad sacram ablutionem exprimendam ita suum judicium profert: "Facile aliquid dubii circa legitimum valorem formæ—*I christen thee, etc.*,—excitari potest, quamquam multo probabilius illam formam validam esse dixerim."—Hoc autem et nihil aliud nos etiam contendimus.

III. Devenientes nunc ad practicam rationem agendi, non videtur confessarium posse Mariam accusare de gravi peccato, quamvis enim quod ipsa fecit in se sit graviter illicitum, illius tamen gravitatem non apprehendit. Imo nullam forte malitiam apprehendit, saltem antequam ageret, cum ex zelo mota fuerit ad baptismum conferendum, quare confessarius non debet ipsam severe carpere, sed potius instruere, non præ-

ceptis eam terrefacere, sed potius paterna charitate monere. Præterea doceat eam veram formam baptismi esse: "I baptize thee in the name of the Father and of the Son and of the Holy Ghost," prouti habetur in catechismo edito jussu ultimi Conc. Plen. Baltimorensis.—Quod si demum quæras num infans a Maria baptizatus debeat rebaptizari sub tutiore hac forma, respondetur *negative*, excepto casu mortis.—Etenim si forma fuerit revera invalida, non debet repeti quod jam probatum est fuisse illicitum; si autem fuerit valida, inutile est repetere baptismum. Dixi tamen, *excepto casu mortis*, quia si baptismus tunc confertur, modo id non fiat per violentiam parentibus illatam, neque obstat praxis Ecclesiæ, neque periculum perversionis.—

Cf. S. Thom. 2. 2., q. 10, art. 12, et 3. p., q. 68, a. 10.—S. Alphons., de baptismo, n. 109, et n. 132 et seqq.—Benedict. XIV, Const. *Postremo mense*.—Lugo, Resp. Mor., Lib. 1, Dub. III. —Lehmkuhl, vol. 2, n. 63, et n. 73 et seqq.—Bucceroni, Enchiridion, n. 248.—Kenrick, Tract. XV., n. 27 et seqq.—Marc, vol. 2, n. 1473.—Varceno, Tract. XV.,cap. 2, art. 3.—Sabetti, n. 662.—

A. SABETTI, S. J.

CONFERENCE.

RENEWAL OF THE SACRED SPECIES.

Qu. Since there are various statements in theological books as regards the obligation to renew the consecrated particles kept in the Tabernacle, will you please state the plain law of the Church on the subject?

Resp. The Roman Ritual prescribes (Tit. iv., Cap. 1., n. 7), "*Sanctissimæ Eucharistiæ particulas frequenter renovabit. Hostiæ vero seu particulæ consecrandæ sint recentes; et ubi eas consecraverit, veteres primo distribuat, vel sumat.*" The question, therefore, turns upon the interpretation of the word *frequenter*.

The "Ceremoniale Episcoporum" (Lib. 1., c. vi., 2) says: "saltem semel in hebdomada mutetur et renovetur." Lehmkuhl, referring to a number of Decisions of the S. Congregations given by Gardellini, says: "saltem semel—aut etiam sæpius si necesse sit." There is such necessity where there is danger of the S. Species corrupting, owing to the dampness of the place or the season, which experience easily teaches to exist if, for example, the sacred particles adhere together after remaining a few days in the Ciborium. The Provincial Council of Vienne (Tit. iii. c. 4) decrees: "Particulæ consecratæ toties renoventur, quoties pro locorum conditione necessarium sit, *ut omne periculum corruptionis sollicite avertatur.*"

But where there is no such danger, Gardellini says, (in Gandav. 16 Dec. 1826, n. 4623 adnot.), he would not consider it a sin to protract the renewal to fifteen days.—"Quodsi ad quindecim dies protrahatur renovatio, non id reprobandum culpæque vertendum." In many places, the common practice and diocesan statutes sanctioned at Rome allow the time of fourteen days, especially in southern and dry regions. Lecroix holds, with other eminent theologians, that to extend the time to a full month would probably be a mortal sin. This may easily happen, by an omission, where the S. Species is renewed regularly only every two weeks.

DOXOLOGY OF THE "VENI CREATOR SPIRITUS."

Qu. The hymn "Veni Creator Spiritus," as given in the ordinary liturgical books, ends

> Deo Patri sit gloria,
> Et Filio, qui a mortuis
> Surrexit, ac Paraclito,
> In Sæculorum sæcula.

This is the ending for Pentecost, but which of the different doxologies is to be used outside of Paschal time?

Resp. The proper termination outside of Paschal time is

Deo Patri sit gloria,
Ejusque soli Filio,
Cum Spiritu Paraclito,
Nunc et per omne sæculum.
(Pontificale Rom.)

BOOKS, ETC., AS PAYMENT FOR "INTENTIONS."

Qu. "In Konings, no. 1327, qu. 12, a decision of the S. C. C., Sept 9, 1874, is given, calling it a *turpe mercimonium* to receive "intentions" as pay for books, etc. Thus I could not pay Mr. Pustet for the Am. Eccl. Review by saying masses which he received, collected, or wishes to have said. But would it be a sin, venial or mortal, to do so? Some other good periodical does this."

Resp. Let us, first of all, correct an error of statement. The Sacred Congregation, in the Decree referred to, which contains a number of resolutions, does not condemn the receiving of "intentions" as pay for books, etc., but stigmatizes the action of book merchants and others *making a business* of such exchange by advertising or employing agents to collect "intentions," which they offer to priests who will accept books, etc., in payment for saying them.

In 1862 the publisher of a religious journal proposed to the Sacred Pœnitentiaria the following doubt: *Utrum tuta conscientia suum diarium dare possit sacerdotibus ea conditione, ut celebrent numerum missarum respondentem pretio quod ab aliis pro diario solvitur?* The answer was: *præfato dubio mature perpenso, respondit: Affirmative, dummodo missæ celebrentur.*
(Sacred Pœnit. 6 Oct. 1862.)

After reviewing the different decrees and answers to doubts issued by the S.C.C. and the Sacred Pœnit. Father Lehmkuhl says: "Quod igitur prohibetur, est: *studiosa multarum eleemosynarum collectio, quæ fit negotiandi causa*, sive missarum stipendia objectum negotiationis sunt, sive negotiationis instrumentum. Quando ergo negotiatio proprie dicta plane

abest, loco pecuniæ alias merces pro stipendio missæ dare illicitum nullo modo est. (Theol. Mor. vol. II., n. 205, nota.)

It may be useful to add that besides the system of book-merchants and others advertising (adhibitis publicis invitamentis et præmiis, vel alio quocumque modo) the saying of Masses, the Sacred Congr. has further declared that

1. This sort of traffic with "intentions" is prohibited, no matter whether the book-merchant or agent makes any profit by the transaction or not. It is also forbidden, even if the object be charitable, such as helping a poor priest by this means of the stipends, or the like.

2. This prohibition binds equally the merchant or agent who collects the stipends and the priest who accepts the goods for Masses to be said.

A violation of this law is a sin, venial or mortal according to the degree of contempt of the law, scandal, or injustice which accompanies the act.

ANALECTA.

THE AGE OF CHILDREN FOR FIRST HOLY COMMUNION.

DECREE OF THE S. C. C., 21 JULY, 1888.

BY Pastoral Letter of Dec. 27, 1884, the Bishop of Anecy had published the following statutes, in regard to the First Holy Communion of children in his diocese.

1. That no child be admitted to Holy Communion unless it had: *a.* completed its twelfth year; *b.* faithfully attended the catechetical instructions in preparation for that solemn act, during the two preceding years.

2. That the children who desire to be admitted to this instruction-class had likewise, during the two previous years (that is from their eighth to their tenth year), attended regularly, twice a week, the catechism class; and if they had failed

to do so, they were to be put back for several months or an entire year.

3. That from the beginning of the year following the publication of the Letter, the celebration of the First Holy Communion could not take place in any parish before the month of May. In case children had attained the proper age and had regularly attended the catechism classes, but could not or wished not to present themselves on the day appointed for the general First Holy Communion, and did not want to wait until the following year, they were to make their First Holy Communion privately, that is, without any solemnity.

Some of the Clergy demurring against this legislation, on the ground that it infringed upon the rights of pastors and was contrary both to the received canon law and to the teaching of theologians, the matter was referred to Rome, at the instance of one archpriest Tissot, pastor of Clauses. The argument before the S. C. brought out the following principal points.

Parochi jura: The advocate of the parish priest, after referring to the Sacred Scriptures (John vi. 54–56), which inculcate the necessity of receiving the Holy Eucharist, under pain of eternal loss, cites passages from Benedict XIV. (de Syn. dioces. L. vii., c. xii., n. 2.) and the Œcumenical Councils (IV. Later. and Trent.), all of which explicitly state that the time for receiving First Holy Communion is the age of discretion "cum ad annos discretionis pervenerint," without defining the precise age at which this takes place. The Roman Catechism says that the confessor is the proper person to determine the age at which the child may be admitted to Holy Communion. "Qua ætate pueris sacra mysteria danda sint, nemo melius constituere poterit quam pater et sacerdos, cui illi confitentur peccata," (pars. II., c. iv., 63. De Euchar.) Finally, the advocate appeals to a decision of the S. C. C. itself (15 Mar. 1851), wherein the clause: "Nemo ad sacramentum Eucharistiæ prima vice suscipiendum admittatur, quin duodecimum saltem annum certo attigerit" was

ordained to be eliminated from the statutes of a provincial Council (Rothomag., tit. ii., n. 2) as having no sanction in canon law.

As to the time of the year when this solemnity of the First Holy Communion is to take place, he quotes against the Bishop's decree the teaching of St. Charles Borromeo, St. Francis de Sales, and St. Alphonsus, who say that those who are to be admitted to first Holy Communion should be instructed with especial care during the season of Lent, so that they might satisfy the common precept of communicating at Easter.

Jura Episcopi. In defence of the episcopal decrees the advocate of the Bishop sets forth the right of jurisdiction which the latter has, both *in foro externo* and *in foro interno*, over the faithful as well as over the pastors. He appeals, likewise, to Canonists and a Constitution of Benedict XIV., who bids Bishops exercise especial care in the training of children and admitting them to the reception of this holy Sacrament.

He claims that he has exercised this inherent right of legislating for his diocese with all prudence, and compelled by a sense of duty, since the spread of impious and infidel literature among the young makes it necessary to protract their religious education as long as possible, so as to strengthen their faith against attacks from without. But this cannot be done unless the first Holy Communion is deferred, since there exists a prevailing custom by which children once admitted to the Holy Table absent themselves from Christian instruction thereafter.

As regards the appointed time during the month of May, he not only chooses it as most suitable, being dedicated to the Bl. Virgin Mary, but because at this time the people in the country are most free from labor, and thus enabled to celebrate the better a day which is one of the greatest feasts during the year, both for the children and their parents, in so much that many men never enter a church except on this day. Lastly, he appeals to the common practice of the French Bishops as in harmony with his own. He calls attention to the excepting

clause in the canons, which, speaking of the age of discretion as necessary to the reception of Holy Communion, adds "nisi forte de proprii sacerdotis consilio, ob aliquam rationabilem causam, ad tempus ab hujusmodi perceptione duxerint abstinendum."

Solutio. Having received both arguments, the S. C. C. decides that the Episcopal statutes are under the circumstances binding and to be confirmed. It then adds the following resolutions:

1. That the Bishop, as head of the flock, has the duty to protect the interests of his people and to use the means by which he may safely lead them to their eternal salvation.

2. That it is a common axiom that a Bishop has the same power in his diocese which the sovereign Pontiff has in the universal Church, except cases specially reserved.

3. That hence we may infer that to the Bishop belongs the right of determining what measures may be necessary for educating the young in the Christian religion.

4. That heed is to be paid to what the judgment and prudence of the Bishop advises.

5. That, though Innocent III. commands all the faithful to communicate as soon as they have come to the age of discretion, yet there may exist just reasons why they should not be admitted at that time.

6. That the sacred canons do not define, and theologians do not agree as to the age when children have reached the age of discretion for the reception of the Holy Communion, whilst Benedict XIV. holds it to be between the tenth and fourteenth year.

7. That in the above case it does not appear that the Bishop's decrees are contrary to the S. Canons, but rather adapted to the special circumstances of place and time.

DUBIUM.

An decreta Episcopi Anneciensis sint confirmanda vel infirmanda in casu.

Resolutio. S. C. C. re cognita sub die 21 Julii 1888, censuit respondere: *Attentis locorum ac temporis circumstantiis, affirmative ad primam partem juxta modum.*

Ex quibus colliges:—I. Episcopos præcipue repræsentare fidelem servum, præpositum familiæ, quibus commissum est commoda et utilitates populi sibi concrediti promovere, curam dominici gregis habere, ac media exhibere quibus oves tutius ac facilius ad æternæ salutis pascua perducantur.

II. Vulgare esse axioma quod Episcopi in suis Diœcesibus omnia possunt, quæ potest Summus Pontifex in universo orbe, exceptis specialiter reservatis.

III. Quamobrem haud absonum videri, ut præstituere valeant etiam ea quæ ad christianam puerorum educationem conferunt; quum iidem per s. canones excitentur et moneantur, præcipuas habere partes quoad christianam institutionem.

IV. Judicio et prudentiæ Episcoporum standum docent Doctores et Bend. XIV *Const. Cum illud* præsribit "parvi pendendum non esse testimonium illius pastoris, cui divino mandatur eloquio oves suas agnoscere."

V. Etsi Innocent. III, cap. 12 *De poen.*, jubeat omnes fideles communicare postquam ad annos discretionis pervenerint, adsit tamen *nisi forte de proprii sacerdotis consilio, ob aliquam rationabilem causam, ad tempus, ab hujusmodi perceptione duxerint abstinendum.*"

VI. Sacros canones haud definire ætatem, qua primum sacra Eucharistia recipienda sit; et doctores non convenire inter se de ætate, qua habeatur sufficiens discretio ad Christi Corpus sumendum; dum id contingere censeat Bened. XIV *intra decimum et decimum quartum ætatis annum.*

VII. In themate præscriptionem Episcopi sacris contrariam non videri; sed aliquo modo expetitam per adjuncta loci et temporum, et substantialiter consonam praxi aliorum Episcoporum ejusdem nationis.

DECISIONS CONCERNING THE BROWN SCAPULAR.

I. By an indult of Gregory XVI., priests who had obtained the faculty of investing the faithful with the brown Scapular were dispensed from complying with a former obligation of inscribing in a register the names of those enrolled.

On March 26, 1887, a petition was presented to Leo XIII. by the S. C. I., asking him to revoke the Gregorian indult. This he did on April 27, of the same year. Hence, priests who have the faculty of investing with the brown scapular are obliged to register the names, otherwise the indulgences attached to the wearing of it are forfeited.

DUBIUM *de inscribendis nominibus Christifidelium, qui sacra scapularia recipiunt:*

Utrum Indultum a s. m. Gregorio Papa XVI., concessum die 30 Aprilis, 1838, Confraternitati B. Mariæ Virginis a Monte Carmelo, quo sacerdotes debita facultate præditi recipiendi christifideles in prædictam Confraternitatem eximantur ab onere inscribendi nomina fidelium in libro Confraternitatis, expediat extendere etiam ad alias Confraternitates, in quibus Christifideles Scapularia recipiunt?

Et Emi ac Rmi Patres responderunt in Generalibus Comitiis apud Vaticanum habitis die 26 Mart. 1887:

Negative: Imo supplicandum SSmo. pro revocatione Gregoriani Indulti concessi sub die 30 *Aprilis* 1838*; et ad mentem.*

Die vero 27 Apr. 1887, SS. D. noster Leo Papa XIII, in Audientia habita ab infrascripto Secretario, sententiam Patrum Cardinalium ratam habuit, et Gregorianum indultum revocavit.

Datum Romæ ex Secret. ejusdem S. Congr. die 27 Apr. 1887.

Fr. Thomas M[a] Card. Zigliara, *Præf.*
Alexander Ep. Oensis, *Secret.*

II. Hitherto the faculty of blessing the brown scapular, conjointly with other scapulars, by a single short formula, was granted both to individuals and to religious communities.

By a decree, of the same date as the above, this faculty is not to be granted hereafter. Such faculties as exist at present expire after their date of limitation, and none last beyond April 27, 1897, even if they had been granted in perpetuum. *

DUBIUM *de Scapulari B. M. V. de Monte Carmelo a simultanea plurium Scapularium traditione excipiendo.*

Utrum conveniens sit scapulare B. V. M. de Monte Carmelo honoris et devotionis causa, separatim potius et distincte, quam commutative et commixtim cum aliis quatuor vel pluribus scapularibus benedicere et imponere?

Emi ac Rmi Patres in Generali Congregatione apud Vaticanum habita die 26 Martii 1887, re mature perpensa, rescripserunt:

Affirmative: Et consulendum SSo., ut Indultum hucusque in perpetuum concessum, etiam Regularibus Ordinibus et Congregationibus induendi Christifideles scapulari Carmelitico commixtim cum aliis scapularibus revocetur, et ad determinatum tempus coarctetur, neque in posterum amplius concedatur.

Facta vero de his relatione in Audientia habita die 27 Apr. 1887, infrascripto Secretario, SSus D. N. Leo Papa XIII Patrum Cardinalium responsionem approbavit decrevitque, ut præfatum Indultum in posterum non amplius concedatur, ac illi omnes, etiam Regulares Ordines vel Congregationes, quibus Indultum ipsum quocumque nomine vel forma ab Apostolica Sede est concessum, eo tantummodo *ad decennium* perfruatur ab hac die computandum.

Datum Romæ ex Secret. ejusdem S. Congr. die 27 Apr. 1887.

Fr, Thomas M[a] Card. Zigliara, *Præf.*
Alexander, Ep. Oensis, *Secret.*

III. A number of other decisions respecting the various Scapular-Confraternities are added for the purpose of reference.

* Although the different scapulars must be blessed and imposed separately, they may be worn attached to a single pair of strings.

DUBIA.

1. An ad validitatem benedictionis sufficiat signum crucis manu efformatum super scapulare absque ulla verborum pronuntiatione et aquæ benedictæ aspersione?—

Negative, sed benedictio danda est juxta formulam præscriptam, ad normam Decreti 18 Aug. 1868.

2. An receptio in confratern. valeat, si fiat simplici intentione concepta animo, ac verbis nullis adhibitis?—*Negative.*

3. An declaratio S. Congregationis de servandis substantialibus in adscriptione fidelium Confraternitati B. M. V. de Monte Carmelo debeat etiam, atque eodem sensu, intelligi quoad cetera scapularia?—*Affirmative.*

4. An pro induendo fideles quinque scapularibus totidem etiam benedictiones impositiones ac receptiones requirantur, vel unica tantum, et quæ sufficiat?—

Affirmative ad 1am partem: *Negative* ad 2am, nisi ex speciali Indulto S. Sedis, et ex formula, quæ in eodem conceditur, et ad mentem. Mens est, ut qui sacerdotes utuntur Indulto Apostolico induendi christifideles quinque scapularibus, non benedicant scapularia, nisi ea distincta sint, id est vere quinque scapularia, sive totidem sive duobus tantum funiculis unita, et ita ut cujuslibet scapularis pars una ab humeris, alia vero a pectore pendeat, non vero unum tantum scapulare, in quo assuantur diversi coloris panniculi, prout ab hac S. Congregatione jam cautum est.

5. An suscipientes et gestantes scapulare cæruleum B. M. V. Immaculatæ, aut rubrum Passionis D. N. J. C., Confraternitates constituant?—*Negative.*

6. An in ecclesiis Confraternitatum sanctissimæ Trinitatis, B. M. V. de Monte Carmelo ac septem Dolorum acquiri valeant omnes indulgentiæ, quas lucrantur fideles visitando ecclesias Ordinum respectivorum?—*Negative.*

7. Et quatenus affirmative, an communicatio istiusmodi valeat etiam quoad certas devotiones in ecclesiis Ordinum haberi solitas, uti orationem 40 horarum, missas, officia divina, litanias, Dei verbi prædicationem, etc., quando quis iisdem devotionibus intersit in ecclesia respectivarum Confraternitatum?—*Negative.*

8. An in locis, ubi nulla adest ecclesia neque Ordinis neque Confraternitatis sanctissimæ Trinitatis aut B. M. V. de Monte Carmelo vel a septem Doloribus, fideles qui sunt adscripti confraternitati Sanctissimæ Trinitatis erectæ etiam a Fratribus Calceatis, vel Confraternitati B. M. V. de Monte Carmelo, aut septem Dolorum, acquirere respective possint omnes indulgentias adnexas dictarum ecclesiarum visitationi visitando ecclesiam parochialem?—

Affirmative, ex Brevi Pii Papæ IX. 30 Jan. 1872, pro Confraternitate sanctissimæ Trinitatis, et ex Brevi ejusdem Pontificis 15 Jan. 1855, pro Confraternitate B. M. V. de Monte Carmelo; et supplicandum sanctissimo pro extensione Indulti ad Confraternitatem B. M. V. a septem Doloribus.

9. An sacerdos, qui facultatem obtinuit a Fratribus Calceatis recipiendi fideles in Confraternitatem sanctissimæ Trinitatis, valeat communicare præter indulgentias, quæ reperiuntur in summario approbato pro Confraternitatibus erectis a Fratribus Calceatis, etiam eas, a prædictis diversas, quæ reperiuntur in summario approbato pro Confraternitatibus erectis a Fratribus Discalceatis, ac versa vice, in locis præser-

tim ubi proprii Ordinis aut Confraternitatis ecclesia non existit?—*Affirmative*, facto verbo cum Sanctissimo.

10. An idem sit constituendum de gratiis et indulgentiis, quæ sunt concessæ Confraternitatibus erectis a Fratribus Calceatis aut Discalceatis Ordinis B. M. V. de Monte Carmelo?– *Affirmative.*

11. An constet de authenticitate indulgentiæ plenariæquæ concessa fertur pro unaquaque feria quarta cujusque anni hebdomadæ christifidelibus visitantibus ecclesiam Ordinis B. M. A. de Monte Carmelo?

Ex deductis non constare nisi de indulgentia plenaria in una ex quartis feriis cujuslibet mensis et juxta modum expressum in Brevi Benedicti XIII "Alias pro parte" 4 Martii 1727.

12. An constet de authenticitate indulgentiæ plenariæ, quæ traditur concessa ab Honorio III et Nicholao IV pro unaquaque anni die, in qua visitetur ecclesia Ordinis prædicti?—

Negative, sed indulgentia penaria in casu ita intelligenda est, ut semel in anno tantum ab unoquoque christifideli acquiri possit, sicut in una Maceraten. 15 Martii 1852 Confraternitatis sanctissimæ Trinitatis.

13. An omnibus confessariis ab Ordinario approbatis indulta sit facultas impertiendi absolutionem generalem confratribus et consororibus B. M. V. de Monte Carmelo in articulo mortis constitutis, quoties deficiat sacerdos potestate præditus munia directoris Confraternitatis exercendi?—*Affirmative.*

Facta vero de iis omnibus relatione in audientia habita ab infrascripto secretario die 27 Aprilis 1887, sanctissimus Dominus Noster Leo Papa XIII responsiones Patrum Cardinalium approbavit, et ad dubium VIII benigne annuit pro petita Indulti extensione, quo in locis ubi nulla adest ecclesia neque Ordinis servorum B. Mariæ Virginis, neque Confraternitatis septem Dolorum, qui sunt eidem Confraternitati adscripti, acquirere valeant omnes indulgentias dicti Ordinis ecclesiis adnexas visitando respectivam parochialem ecclesiam.

Datum Romæ ex secretaria eiusdem S. Congregationis die 27 Aprilis 1887.

Fr. Thomas Mª Card. Zigliara, *Præfectus.*

Alexander Episcopus Oensis, *Secretarius.*

STATUES CARRIED IN PROCESSION DURING PASSION-TIDE.

Dub. Permittitur vel saltem toleratur fieri processiones tempore Passionis cum Imaginibus detectis?

S. C. R. rescribere rata est: *Affirmative.* (Lisbon., 4 Jun. 1874).

BAPTISMAL WATER, WHEN TO BE BLESSED.

According to decree of the S. C. R. the baptismal water

may not be blessed on Holy Saturday *for the entire year*, but the blessing is to be repeated on the eve of Pentecost.

Aquam baptismalem in Parochiis esse benedicendam in Sabbathis Paschæ et Pentecostes, non obstante quacumque contraria consuetudine, quæ omnino eliminari debet. Atque ita rescripsit et servari mandavit die 13 Apr. 1874.

(Decret. 5584).

THE NEW MASS AND OFFICE OF THE SEVEN FOUNDERS OF THE ORDER OF SERV. B. V. M.

The S. C. R. has issued, through the official publisher of the edit. typica, Fr. Pustet, under date of Jan. 29, 1889, from Ratisbon, the text of the new Mass and Office, together with a decree by which the same is to be inserted into the calendar of the Universal Church as of double minor rite. The feast has been appointed for the 2d of February "Servatis Rubricis."

BINATION FOR THE SOLE REASON OF UTILITY ILLICIT.

The S. Congregation "Concilii," decides that the Bishop of Nevers cannot authorize his priests to say two masses on solemn feast-days, the alleged reason for duplicating being, *not necessity*, but the *great good* which has been effected by this practice heretofore, inasmuch as more opportunity was given to the faithful to assist at Mass and receive holy Communion on those days.

"In Diœcesi Nivernensi plures sunt parochi, qui missam secundam celebrant tantum in quibusdam festis solemnioribus, ut major facilitas detur fidelibus, sive sacro assistendi sive sacram communionem majore cum devotione accipiendi; et affirmant parochi hanc secundam missam in hoc utroque casu maximi esse momenti ad conservandam et augendam pietatem in suis paroeciis. Quibus rationibus permotus Orator facultatem implorat, ut deinceps, in nomine S. Sedis, eidem parocho

sive sacerdoti secundæ missæ celebrandi licentiam concedere possit in supra memoratis festis solemnioribus."

Resolutio. S. C. Concilii, re cognita sub die 24 Martii 1888, censuit respondere: *Non expedire.*

CUM BEATO JOSEPH OMITTED IN THE ORATIO *A CUNCTIS.*

In the votive Mass of St. Joseph, when the prayer *A cunctis* is to be said, the words *cum beato Joseph* are omitted.

"Quum jam in oratione *A cunctis* nomen S. Joseph exprimendum sit de præcepto, quæritur utrum in Missis votivis in honorem S. Joseph celebrandis, tempore quo hæc oratio tertio loco dicenda veniet, orationi præfatæ substituenda sit oratio *Concede* quæ primo loco ponitur inter orationes diversas, uti alias declaratum fuit?"

S. R. C. resp.: Recitandam esse orationem *A cunctis*, omisso nomine S. Joseph.

Die 1 Jun. 1876.

BENEDICTION OF THE BLESSED SACRAMENT SEVERAL TIMES A DAY.

The Bishop can permit Benediction of the Blessed Sacrament to be given several times a day in the same church.

Dub. An liceat in una eademque die atque in eadem ecclesia pluries cum SSo. Sacramento benedici populo?

Affirmative de licentia Episcopi.

S. R. C. 12 Jan. 1878. (Templen. dub. xi.)

BOOK REVIEW.

SHORT INSTUCTIONS FOR LOW MASSES; or the Sacraments explained. By Rev. James Donohoe, Rector of St. Thomas Aquinas Church, Brooklyn, N. Y. Fr. Pustet & Co., New York and Cincinnati, 1889.

Father Donohoe did not write these sermons to make a literary reputation. Yet he might evidently make it if he wished so. In these instructions he speaks like a man who has no time to waste in idle rhetoric, who values and improves the time, the intelligence, and the good will of his people by giving them sound doctrine, omitting nothing which is essential, adhering closely to the teaching of the Scriptures, the Councils, the Fathers, and carrying out the designs of Leo XIII expressed in his encyclicals. There is solid study in these instructions, and if they will save some labor to others who read and make them their own, it is because they are the fruit of assiduous work among grave books. Yet we are told that he is a busy priest, organizing a congregation and building a church. Perhaps the fact of the book is in some way itself a sermon to many who will do wise to buy it for the instructions it contains.

THE SACRED PASSION OF JESUS CHRIST. Short Meditations for every day in Lent. By Rich. F. Clarke, S. J.—New York, Cincin., Chicago: Benziger Bros.

THE WORDS OF JESUS CHRIST DURING HIS PASSION. Explained in their Literal and Moral Sense. Translated from the French of Rev. F. X. Schouppe, S. J., By Rev. J. J. Quinn. New York, Cincin., Chicago: Benziger Bros.

Though already past mid-Lent, we hope it is not too late to recommend these two admirable little books, which, whilst unpretentious in appearance, contain the real marrow of penitential life, that is, reflections which lead to sorrow for sin and a compassionate love of our suffering Saviour. The first of the two volumes by F. Clarke contains reflections upon the Passion for every day. A few verses of the Scriptures are suggested to be read before the meditation, which consists of three short points, terse and practical. They might be read after the parochial Mass in the morning, or give the thoughts for an instruction to the people on weekdays of Lent.

Somewhat different in tone and purpose is F. Schouppe's explanation of "Words of Jesus Christ." It is intended to bring out

the wisdom and sanctity of Our Lord as shown forth in the mysterious drama of His passion. Both books are equally useful to the priest, and their small size and low price should give them wide circulation.

KREUZWEGBUECHLEIN. Franziskaner-Text nebst täglichen Gebeten zu Ehren des bitteren Leidens Christi. Herausgegeben von P. Philibert Seebœck, O. S. Fr. 1889. Regensburg, New York, Cincinnati: Fr. Pustet & Co.

Many of our German readers will welcome this new form of an old and cherished devotion. There is deep and touching sincerity in the words of the prayers; the illustrations are unusually good, and the print is large and clear. The book fills in every way the requirements of its purpose.

DIGNITY AND DUTIES OF THE PRIEST; OR SELVA. A collection of materials for Ecclesiastical Retreats. Rule of Life and Spiritual Rules. By St. Alphonsus de Liguori. Centenary Edition. Edited by Rev. Eugene Grimm, C.SS.R. New York, Benziger Bros., 1889.

With this, Vol. XII of the Centenary Edition of St. Alphonsus' Ascetical Works, begins the series bearing specially on the private and public life of the priest. The next two volumes are to treat of the Holy Mass and Divine Office, whilst the two succeeding will contain Preaching, Missions, and Sermons. Not unaptly, though with humbler intent, did St. Alphonsus style this work a "Selva," for a luxuriant *wood* it is, or rather, perhaps, a fair garden, wherein his skilled hand has reared, not so much flowers to adorn, as solid fruits to sustain and develop the priestly life. Its merits are well told by Mgr. Gaume in the preface to his French translation. "This book," he says, "is a sacred tribune, from which speak in turn the prophets, the apostles, the apostolic men, the martyrs, the solitaries, the most illustrious pontiffs of the East and the West, the most famous doctors, the masters best skilled in the science of the Saints, the successors of St. Peter and the Councils, the organs of the Holy Ghost; in a word, antiquity, the middle ages, modern times, the entire Church. In the midst of this august assembly, what does the holy bishop do? Nearly always he limits his task to the modest rôle of a narrator. There are no long reasonings, inductions, special interpretations." And what the same authority thought true of the import of the work in the days when St. Alphonsus wrote, finds still its application in our own time: "The world and the clergy, who are to save the world, stand in need of Catholic thought, and the Saint

gives it pure and entire; he fears to weaken it by mingling it with his own."

The new edition is an improvement on the older forms, not only in its more attractive letterpress and general make up, but particularly in its verified references. St. Alphonsus could not always draw from first sources, and hence it was but natural that inaccuracies should exist in his citations. The latter have all been corrected and verified, and are given in full in the continuous foot-notes.

THE CATHOLIC CHURCH IN THE UNITED STATES. VOL. I. THE CATHOLIC CHURCH IN COLONIAL DAYS. VOL. II. THE LIFE AND TIMES OF ARCHBISHOP CARROLL.—By John Gilmary Shea.

We take it upon ourselves to call attention to this work of the truly eminent American historian, John Gilmary Shea. Few men have so laboriously and with such scrupulous care served the interests of truth in a department which rightly claims immortal renown for its worthy votaries. Yet we venture to say that no adequate return of public acknowledgment, which in some instances is so readily lavished upon mere triflers in literature, has been made in his case. We understand that the undertaking of writing and publishing a reliable and, in sooth, respectable History of "the Catholic Church in the United States," has forced upon the author, who is also the publisher, not only the serious sacrifices of unremunerated labor, but threatens a considerable financial loss. Probably the latter danger will be averted through the generosity of the subscribers. It were, indeed, a shame and a disgrace to the intelligent body of American Catholics if a work of this kind should have to be interrupted through want of interest and financial support from the public. It will not be so easy at a later period to find the man who will do this work for American Catholics; hardly one of equal ability and disinterestedness. Two years ago the first volume of this history was published by subscription, in order to secure some basis for it at the start. The make up of it was thoroughly worthy of the subject, and the author, conscientiously true to his first intention, did not subsequently yield to the circumstances and save his own interests, as he might have done without offence to the subscribers, most of whom knew the actual state of affairs, by getting out an inferior edition, since the public did not respond with the appreciation which the work justly called for. We trust that the *esprit de corps* of the